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ABSTRACT

Bartolome de las Casas devoted himself completely to crusading for the rights of the Indians. Although he was never a missionary among Indians, he began projects such as the Indians' conversion in the Land of War in Guatemala, which later became the task of his Dominican colleagues. However, his true importance lay in his role as the Indians' protector before the royal court. This was shown by his involvement in the debate of Valladolid, the decree of the New Laws of 1542, and the campaign for the abolition of the encomienda and Indian slavery. However, the significance of his crusade went beyond the rights of Indians; it involved the rights of all men. Equally significant was his strong conviction that the Indians had a right to retain their cultural heritage in the face of the invading Spaniards, who considered themselves culturally superior to the Indians. Intended to provide the teacher with meaningful historical information on the clash of cultures and the rights of man, this booklet relates the story of the Spaniards and Indians as seen in the life of Las Casas. Although primarily intended for use by elementary teachers, the booklet may be profitably used by junior and senior high school teachers. A brief bibliography is included to provide additional information, suggested readings for students, and audiovisual materials. (Author/NQ)

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BARTOLOME DE LAS CASAS

PROTECTOR OF THE INDIANS

HUBERT J. MILLER

The Tinker Pamphlet Series
for
The Teaching of Mexican American Heritage

RC 008 851

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BARTOLOME DE LAS CASAS

PROTECTOR OF THE INDIANS

HUBERT J. MILLER

The Tinker Pamphlet Series
for
The Teaching of Mexican American Heritage

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To my Mexican American students,
whose rich legacy has inspired
my interest in Mexico

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GLOSSARY

Audiencia—Highest court in the kingdom of New Spain or Mexico; also took on certain administrative functions.

Castellano—A Spanish coin that was the predecessor of the *ducado* or ducat.

Conquistador—A Spanish conqueror and colonizer.

Ducado—The Spanish ducat or *peso* was worth 8 *reales*. The *peso* was considered and excellent daily wage, which would buy 200 lbs. of beans, or two or three turkeys, or five dozen eggs or 100 lbs. of corn.

Encomendero—A holder of an *encomienda*.

Encomienda—Grant of authority over Indians; carried obligation to Christianize and protect them as well as right to collect tribute.

Hacendado—Owner of a plantation or large ranch.

Hispaniola—Including the present day island republics of Haiti and the Dominican Republic.

Mayordomo—An overseer or foreman.

Repartimiento—A division of Indian laborers for a particular project.

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TO THE TEACHER

The story of Bartolomé de las Casas is the study of a man, who devoted himself completely to crusading for the rights of the Indians. The significance of his crusade goes beyond the rights of Indians. It involves the rights of all men. According to Las Casas "all peoples are men."

Equally significant is the crusader's strong conviction that the Indians had a right to retain their cultural heritage in the face of the invading Spaniards, who considered themselves culturally superior to the Indians. This conviction was shared by all European explorers and colonizers in the New World. Rudyard Kipling, the English 19th century writer, felt it was the white man's burden to bring his superior culture to non-western people. In the 19th century United States the theme was popularized in the expressions of manifest destiny. The issue is far from dead in our own day. Ethnic minorities, who take pride in their cultural heritage, are quick to denounce expressions of the white man's burden and manifest destiny. Were Las Casas alive today, we can be certain that his voice would again be heard since his admonitions are timeless. His life dedicated to the cause of mankind serves as a model for all generations.

The life of the protector of the Indians can be profitably utilized in the story of the discovery of the New World, especially regarding the early

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European relations with the Indians. In this case it is the story of the Spaniards and Indians as seen in the life of Las Casas. It is the opening of the Indians' struggle to preserve their heritage and lands threatened by the powerful invasion of western culture. In relating the story, the booklet intends to provide the teacher with meaningful historical information in the clash of cultures and the rights of man.

The booklet can be of value in a discussion that compares and contrasts European colonial powers who arrived in the New World. All faced the Indian question, but the answers they sought differed greatly. Where audio-visual material is available, the life of Las Casas can enrich the presentation, which tends to provide only general coverage. Finally the life of our subject can provide much food for thought on the study of character formation. Las Casas saw many shortcomings in the people of his day. He also was willing to admit his own frailties. Despite the complexities of the issues he raised, the message of concern for one's fellow man comes through loud and clear. It is a message for both student and teacher.

In studying the life of the crusader for the Indians a word of caution is in order. The life of Las Casas is not the final word on the treatment of the Indians by the Spaniards. The hero in our booklet was a good defense attorney for the Indians but in his zeal he tended to see only one side — namely the Indian side. The positive contributions of the Spaniards are frequently overlooked in the denunciations of his

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countrymen's greed and destruction of life and property. For a more balanced view the teacher should consult the booklets in the series which treat Hernán Cortés, Antonio de Mendoza and Juan de Zumárraga. These sources tend to see the Spanish side of the story.

In spite of the negative picture of Spanish colonization, the life of Las Casas provides ample evidence of Spain's willingness to listen to a critic. This bore fruit in Spain's desire to develop a colonial policy that took into consideration the rights of native subjects in the Americas. Many times it was an enlightened and humane policy. As with all good intentions, human shortcomings frequently hindered the implementation of enlightened policies.

At all times the teacher needs to remember that the booklet is a teaching tool and not a textbook. It is intended to be a time-saving device wherein the teacher can quickly find the essentials of this all important figure in the history of our hemisphere. The effectiveness of the tool, like all teaching tools, in final analysis is dependent on the teacher's creative use of it in the classroom. Instructional content, grade level and intellectual ability of the pupils are all determining factors in selecting all or some of the material to be utilized by the teacher. Although the author's primary intent is a teaching tool for elementary teachers, this does not preclude its profitable use by junior and senior high school teachers.

The brief bibliography at the end of the booklet provides the teacher with additional information where greater detail is desired. Like his

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contemporary, Hernán Cortés, Las Casas was a controversial figure in his life and this is reflected in biographical studies. Since the cause of the protector of the Indians is essentially a struggle for mankind he, not surprisingly, has fared well among biographers. A significant exception is the work of Ramón Menéndez Pidal, who views the crusading clergyman as a fanatic. The personality factor, as Menéndez Pidal saw it, becomes a serious obstacle to presenting a favorable picture of Las Casas both in his crusade and writings. The author has not ventured into this historiographical problem in the booklet since it is of little value for the grade levels for which the teaching tool is designed.

A word of caution is in order regarding the use of audio-visual guides. None listed in the bibliography treat the life of Las Casas. These aids are general treatises of Spanish colonial activities and thus provide a setting for the period of Las Casas. These can be utilized as a spring board for providing students with more graphic presentations of the mission of our subject.

Among the standard biographies on Las Casas are those of Francis Augustus MacNutt and Henry Raup Wagner. The one of MacNutt published in 1909 provides a concise treatise of Las Casas' life with an appendix of translated selections from his writings. More up-to-date is the work of Wagner published in 1967. Wagner in a well written and succinct biography studies the man in terms of his writings and thereby provides invaluable insights into his personality. He is a biographer in love with his hero. The works of

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Lewis Hanke on Las Casas can prove very helpful to the teacher. This author treats the protector of the Indians as a struggle for justice, not only for the Indians but man's perennial struggle for the rights of man. The bibliography also includes a list of suggested readings for elementary and secondary students as well as visual aid materials. They are of a more general nature, but do provide broad vistas of the period during which Las Casas lived.

The author is greatly indebted to the Tinker Foundation in New York for making this teaching tool possible. Not only did the Foundation provide the time to do the booklet but it also has underwritten the costs of publication and distribution. The project hopefully in some small measure fulfills the aspirations of Dr. Edward Larocque Tinker, who was ever conscious of the need for building bridges between the peoples of the Latin and Anglo heritage. Further words of gratitude are in order for Rebecca Noriega and Gilbert Quezada, whose typing and research facilitated the completion of the pamphlet. Last but not least special appreciation is in order for my wife, Doris, through whose patience, proofreading and typing many of the burdens of seeing the project to its completion were greatly relieved.

Hubert J. Miller

Pan American University
August, 1972

INTRODUCTION

The western hemisphere beginning with the pre-Columbian Indians has had and still does have its share of reformers. The stories surrounding the Aztec Quetzalcoatl offer evidence of his concern for reform among his people. Many other examples of Indian reformers probably could be found if our knowledge of pre-Columbian Indian civilizations were more complete. Spokesmen for reform can be found in Mexico and the United States. In Mexico we need note only such names as Benito Juárez, Emiliano Zapata and Lázaro Cárdenas. The United States claims its Roger Williams, William Lloyd Garrison, Abraham Lincoln and the Progressives. Both for Mexico and the United States the list can extend indefinitely, but whatever the list may be, no one may dare omit the name of Bartolomé de Las Casas.

The Spanish conquest of the New World immediately raised the question of the rights of the Indians. In the defense of their rights the Indians could have had no better defender than Las Casas, whose concern for Indian rights stemmed from his strong convictions that all men are human beings who as creatures of God have basic human rights. His whole life was a living example of this conviction and time and time again he pricked the Spanish crown's and his countrymen's consciences, who frequently, willingly or unwillingly, failed to recognize the rights of the Indians.

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The defense of Indian rights raised the broader question of human rights in general and the rights of nations in international relations. One need not stretch his imagination to see the legacy of Las Casas in the United Nations Universal Delaration of Human Rights. Article One states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." The secularized version of human rights as stated by the United Nations is alien to the Spanish reformer who saw human rights in terms of creatures of God, but both are on common ground in their concern for the defense of the rights of all human beings.

The struggle in the defense of Indian rights caused Las Casas to hurl verbal and written condemnations of Spanish cruelty and exploitation of the Indians. As a result he has been credited with the origin of the Black Legend, which in the words of Charles Gibson regards the Spaniards as "cruel, bigoted, exploitative, and self-righteous in excess of the reality." Scholars have rightly questioned whether the writings of Las Casas are responsible for the origin of the Black Legend, especially when there is ample evidence that Europeans painted similar pictures of the Spaniards prior to the discovery of the New World. One can be sure that the protector of the Indians did not intend to paint a Black Legend for Spain. Had it been his intent, we can be certain that he would have painted it for all European powers who conquered and denied human rights to the inhabitants of the New World. Las Casas was

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more than a protector of the Indians; he was a crusader for the rights of all human beings.

EARLY LIFE

Biographers of Las Casas have little to go on when they treat his early life and even about the fragmentary accounts there is considerable disagreement. His place of birth was Seville, Spain, in 1474, but writers disagree as to his family background and education. Francis MacNutt believes he is the descendent of a French noble family that arrived in Andalusía, Spain, to fight the Moslems. Henry Raup Wagner, a more reliable and recent biographer, denies the noble lineage and claims his father was a merchant, who accompanied Columbus on his second trip to the New World in 1495. Older biographers think that he attended the University of Salamanca from where he received a licentiate in law. Wagner finds no evidence of Las Casas' ever having attended this university and states that much mystery surrounds the type of education the young man had. The fact that he became an ordained priest indicates that he probably studied philosophy and theology.

His birthplace of Seville and the fact that his father accompanied Columbus on the second trip offered the protector of the Indians first hand contacts with opening drama in the New World. There is some doubt as to when he made his first trip to the New World but apparently he accompanied the Ovando Expedition in 1502, which Hernán Cortés had planned to make, but could not due to an amorous mishap. The

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expedition arrived in Hispaniola on April 15 and Las Casas like many other Spaniards began his life on the island as an *hacendado* and *encomendero*. The former role made him a prosperous land owner and the latter provided him with forced Indian labor.

LIFE IN THE WEST INDIES

The young *hacendado* reaped quick profits from his ventures, which he claimed amounted to 100,000 *castellanos* per year — a rather large income for that day and may well be exaggerated. In 1510 members of the religious order of Dominicans arrived on the island who were to have a lasting influence on the life of the young settler. Among this number was Fray Antonio de Montesinos, who persuaded the *hacendado* to seek ordination to the priesthood. Las Casas was ordained in 1510 by Fray Pedro de Córdoba, the Dominican superior, since there was no bishop in the West Indies. His first task as a clergyman was religious instruction of the Indians.

The following year, 1511, Diego Velásquez along with Hernán Cortés initiated the conquest of Cuba, which because of its cruelty caused much unrest among the Indians. Governor Velásquez called on Las Casas to pacify and Christianize the Indians. The young clergyman proved to be very effective, and in the process he gave early signs of being a friend and protector of the oppressed Indians. As an award for his services the governor offered him an *encomienda* in Cuba. The cruelties of the conquest and the forced labor of the Indians under the *encomienda* caused the young priest to have

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serious doubts about the Spanish conquests in the West Indies. The frequent preaching of the Dominican Fray Antonio de Montesinos in Santo Domingo on the Spanish abuses against the Indians further pricked the conscience of Las Casas. The Dominican friar even threatened to refuse the administration of the sacraments to those Spaniards who failed to mend their ways. The Spanish colonists immediately took their case before the crown in the hope of stopping the threats of the friar. Fray Montesinos lost no time in bringing his side of the story to King Ferdinand, who immediately charged a committee to investigate the conduct of his subjects in the newly claimed islands. The committee's recommendations called for the recognition of the Indians as free subjects of Spain and their instruction in Christianity. The committee favored forced labor of the Indians but this must not be excessive nor interfere with the conversion of the Indians. At all times the committee insisted that the Indians should retain their homes, cultivate their lands and receive wages in clothing and furnishings rather than in money. The recommendations became the basis for the Laws of Burgos issued on December 27, 1512, which was the first official recognition of Indian rights and a weak attempt to check the Spanish wrongs against the Indians.

Undoubtedly these events influenced Las Casas. One can also speculate about the influence of Renaissance humanism in his early education, which stressed the value of a human being. This thinking certainly was present later when he wrote

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in glowing terms on the natural goodness of the Indians, who, he claimed, in spite of their paganism were more virtuous than the Spaniards. Within three years after Fray Montesinos began his crusade, Las Casas started his work to end the cruelties that the Spaniards committed in their wars against rebellious Indians. During this early period the young priest was less concerned about the use of Indian servitude; in fact, he himself was still an *hacendado* who employed Indian forced labor. As an *encomendero* he realized more and more that the preachings of Fray Montesinos were also directed at him. Furthermore he found it difficult to reconcile his defense of Indian rights with his position of holding Indians in forced servitude. A complete change of heart was not long in coming. Pedro de Rentería, his business partner, had a similar change of heart and both decided to sell all their holdings, and invest the income in furthering the cause of the Indians. To many of the Spaniards the conversion must have come like a bomb, especially when in his memorable sermon delivered on August 15, 1514, the young clergyman publicly confessed his shortcomings and condemned the abuses against the natives. This was only the beginning since in September of the following year he along with another Dominican friar journeyed to Spain to lay the Indian problem before the Spanish court. The new crusader, like Fray Montesinos, realized that the fight for Indian rights must begin at the court before it can have any effect in the New World.

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LAS CASAS INITIATES HIS CRUSADE

Las Casas with Fray Montesinos returned to Spain in September of 1515. Through the aid of Fray Diego de Deza, a Dominican and archbishop of Seville, he was able to obtain an audience with King Ferdinand. Prior to his meeting with the king scheduled for the Christmas period in 1515, the protector of the Indians realized that he had two very powerful enemies at the royal court; namely, Lupe Conchillas, the court secretary, and Bishop Juan Rodríguez de Fonseca of Burgos. The latter, the trustee of a large *encomienda* in the West Indies, served as president of the Council of the Indies, which was in charge of advising the crown on New World affairs. The king was very much moved by the exposé of Las Casas concerning the Spanish cruelties against the Indians and promised the clergymen another meeting at Easter time to discuss the matter further. The delay provided ample time for Governor Velásquez and the Spanish colonists to present their side of the story to the bishop of Burgos. Having failed to convince the prelate about the plight of the Indians, Las Casas attempted to advance the date of the visit with the crown, but the death of King Ferdinand on January 23, 1516, halted the effort.

Fortunately for the priest, Cardinal Francisco Jiménez de Cisneros served as the regent and was sympathetic to the cause of the Indians. After a series of meetings, the cardinal urged Las Casas, Dr. Palacios Rubios, a counselor in the court of Ferdinand and Isabella, and Fray Montesinos to draft protective regulations for the Indians. The

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recommendations of the committee of three called for unconditional liberty for the Indians, suppression of forced Indian labor and assistance to Spaniards in the New World so that they would have no need to resort to Indian forced labor. The cardinal entrusted the task of implementation of the recommendations to a group of Jeronymites who apparently did not realize that they were stepping into a hornet's nest. The clergymen were immediately confronted with the wrath of the Spanish colonizers, who argued that the natives were lazy and enslavement was the best solution. The conflicting information caused the Jeronymite commission to waver in preparing for their assigned duties but the cardinal strengthened their hand by ordering members of the Council of the Indies and all Spanish officials in the West Indies to surrender immediately their *encomiendas* and enslaved Indians. He told the Jeronymites that they were to go to the New World not as governors but as overseers to enforce the recommended protective regulations. At the same time he appointed Las Casas to serve as counselor to the religious and keep the crown informed on the conditions of the Indians. It was at this time that the clergyman received his cherished title of Protector-General of the Indians. To maintain their nonpartisan mission the Jeronymites insisted that their trip to the West Indies in November of 1516 be made without the company of the controversial priest whom they urged to go in another ship.

Las Casas in his crusading zeal tended to overlook the difficulties of the mission, which

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frequently ran counter to the Spanish settlers' and crown's economic interests. Added to this was the problem of distance and slowness of communication whereby the king's best intentioned decrees for the welfare of the Indians received lip service in enforcement. His chief concern during the early phase of the mission was the fear that the Jeronymites might be swayed by his opponents, among whom they had relatives. In spite of the misgivings, Las Casas saw the venture as part of his broader and more complex community scheme, which could provide adequate protection of Indians' rights and royal revenue. The Protector-General was enough of a political and economic realist to know that protection of Indians without compensation for the royal treasury was not going to receive a favorable hearing in royal circles. The scheme is important since it will reappear in modified versions in his subsequent plans for the protection of Indians on the mainland.

For Las Casas there can be no justice for the Indians as long as there was an *encomienda*. Thus his utopian community scheme was a substitute for the *encomienda*. It called for regimented town life for the Indians which would provide for common and private Indian land holdings. The location of the Indian villages or towns were to be near Spanish towns. The proximity, Las Casas thought, could prove beneficial to Indians and Spaniards alike. The Spaniards could invest in the development of Indian towns and thereby reap a profit. According to the scheme the Indians were to have suitable farming and grazing lands and be

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supplied with livestock and farming tools. Spanish officials and artisans, who would be drawn from Spanish peasants subsidized by the crown, would serve as instructors in agriculture, raising of cattle and crafts. Missionaries would provide the necessary religious instruction. Over each town there was to be a *mayordomo* or overseer. Las Casas also planned for the construction of hospitals in the community. He did allow for the use of the *repartimiento* — that is forced labor for the mines. He insisted that the forced labor demands be levied on Indian communities as a whole rather than designating individual Indians to work in the mines. Therefore the burden of mine work hopefully would not always fall on the same Indians since different Indians could work in the mines as long as they fulfilled the desired quota. Work in the mines and fields was carefully regulated regarding kind of work, number of hours, distance from home and vacations. Las Casas envisioned a worker's paradise that would be revenue producing for the crown and Spaniards.

The author of the scheme showed a willingness to compromise by temporarily permitting *encomenderos* to retain four Indian workers and if the *encomendero* is very good, he would be allowed six Indian workers. Las Casas' ideal was always a free Indian and therefore he insisted that the Indians assigned for work on the *encomiendas* should be granted their freedom if they prove that they can adequately care for themselves and pay the royal tribute. It was at this time that the clergyman recommended that the loss of Indian labor could be replaced by the introduction of

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Negro slavery. In making the recommendation, he thought of bringing Negro slaves from Spain, not Africa, to the West Indies. Later when he saw the evils of importation of African slaves, he regretted making the suggestion and condemned their enslavement. The support of Negro slavery has led some writers to conclude that Las Casas was responsible for the introduction of black slavery into the New World. African slavery had already been introduced in the West Indies prior to the priest's recommendation. Furthermore the use of black slaves was not an essential part of his community scheme. For the present his main concern was with the success of the Jeronymite mission, which could be the first step in building Indian communities and thereby eventually free the native people from forced labor obligations to the Spaniards.

The Jeronymites arrived in December of 1516, shortly before Las Casas' arrival, whose duty it was to serve as an informer to the crown on the mission. Some of the instructions for carrying out the mission appear to be the work of Las Casas but there were other instructions that obviously did not meet the approval of Las Casas. The Jeronymites were to terminate immediately all *encomiendas* held by Spanish officials and assure the Indians that the abuses against them would end. They were to encourage the Indians to live in communities and observe if the Indians could live by themselves and govern themselves. According to the instructions, each Indian village was to have a church, plaza, streets, houses and hospitals. Each resident of the village was to be given a plot

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of ground to raise food and the remainder of the land should serve as common farming and grazing land. It was expected that each Indian settlement would contain about three hundred families, preferably located near gold mines. Over each village there would be an Indian cacique and friar who was in charge of collecting church taxes and providing religious services. The Spanish settlers were encouraged to marry the daughters of the caciques so that integration into the Spanish way of life could be better achieved. A Spanish official was to be in charge of several Indian villages and charged with the duties of keeping records, and seeing that the Indians slept in beds, had only one wife, did not eat on the ground, took care of their tools and property and did not engage in gambling. The instructions also called for a specific number of Indians assigned to work in the mines under an Indian foreman. They were to work no longer than two months and then be replaced by another group of Indians. Hopefully the mines would provide revenue for the Indian community which could be used for compensating the Spaniards, who lost their lands to the Indian communities and also to purchase livestock. Furthermore one-third of the mine revenue would go to the crown. The remainder of the revenue would go to each Indian household, the cacique and mine foreman, the latter two officials receiving the greater portion. The compensation for the dispossessed Spaniards did not meet the approval of Las Casas, who considered the Indians the rightful owners to begin with. Neither did he approve of the continuous work in the mines, even

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though this would be done by means of different work shifts. His main complaint was that the instructions failed to make the removal of Indians to the villages compulsory. The royal orders permitted the continuation of the *encomienda* if the *encomenderos* adhered to the Laws of Burgos that were issued in 1512 to 1513 to protect the Indians. Las Casas was convinced that the laws were an inadequate safeguard and merely provided an opening for the *encomenderos* to continue exploiting the native labor force.

In implementing the instructions, the friars were asked to make careful observations on the Indians' capacity to live by themselves, their ability to be self-supporting and their spending of money gained from their work. In short, how close can the Indians approximate the Spanish way of life? The initial phase of the mission caused immediate doubts in the mind of the protector of the Indians, especially when the friars moved slowly in carrying out the instructions. The friars did terminate the *encomienda* holdings of the absentee *encomenderos* and Spanish officials but did not heed the wishes of Las Casas to abolish other *encomiendas*. In short the cautious work of the Jeronymites was not in keeping with the fiery spirit of the crusader. He feared that the friars were capitulating to the Spanish interests in the islands. Particularly disturbing to him were the degrading reports that the friars were making concerning the Indians' capacity to live by themselves. Such findings could and did serve as a justification of the Spaniards' contention that the native inhabitants were ill prepared to support

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themselves. In essence this meant the Indians were better off doing forced labor for their Spanish masters. As was the case on his first stay in the islands, he realized that he must again return to Spain to counteract the potential ill effects of the Jeronymite reports on the Spanish crown. In his official capacity of Protector of the Indians and informer on Indian affairs he returned to Spain in May of 1517 to report to the crown what he considered the shortcomings of the Jeronymite mission.

Although the Jeronymite mission fell far short of its goal in providing for free Indian communities, it did succeed in effecting a number of reforms. The friars did remove absentee *encomenderos* and terminated *encomiendas* held by Spanish officials, including the *encomiendas* of the bishop of Burgos. The religious did conduct an investigation of the Indians' capacity to live independently. Since much of the information in this matter came from *encomenderos*, it is not surprising to find that the consensus was that the Indians left to themselves refused to work. The friars questioned this finding by noting that the Indian certainly had a willingness to work and a capacity for living independently prior to the arrival of the Spaniards. The hostile consensus towards the Indians must have cautioned the friars to move slowly in carrying out their mission. The much dreamed about town experiment never got off the ground, but the frequent compromises that the religious made with the Spanish settlers could well have caused its deathknell. Finally the friars arrived too late on the scene to save the

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Indians who had already suffered the full impact of a conquest. It was a case of too little and too late; a feeling the friars apparently carried with them on their return to Spain in 1520.

Las Casas made one final effort to save the Indians in the West Indies. Unfortunately the death of Cardinal Jiménez de Cisneros deprived him of a powerful ally at the court, but the protector of the Indians always succeeded in finding others who could help him plead his cause. This time it was the Chancellor Jean de Sauvage, a powerful figure in the court of Charles I, who at a very young age took over the reins of government on the death of King Ferdinand. It was to the chancellor that he brought his version of the community scheme, which called for the settlement of Indians in towns and the termination of *encomiendas*. The plan sought to make the Indians free and revenue producing for the crown. Part of the plan called for the settling of Spanish peasants alongside the Indians. To make the venture attractive to the Spanish peasants he urged the crown to grant them land, tools, livestock in order to give them a start. The crown officially approved the plan on September 10, 1518. The scheme immediately encountered opposition from Spanish landholders in Spain, who feared the loss of their peasant workers. Further sad news awaited him when he discovered that the Jeronymites had sold some of the royal estates in the West Indies which he had hoped to utilize in financing the venture. The crowning blow to the scheme came with the word that another smallpox epidemic had caused havoc among the Indians.

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DIOCESE OF BISHOP LAS CASAS

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The news caused him to abandon the plan in 1519 and focus his attention on the New World mainland where discoveries were bringing to light other Indian civilizations. Las Casas was convinced that the cruelties and exploitation of the Indians perpetrated by the Spaniards in the islands must not be repeated on the mainland. The newly discovered land of Venezuela opened a new field for his cause.

THE VENEZUELA EXPERIMENT

The idea of bringing Spanish farmers to the New World to live side by side with the Indians and thereby provide Spanish living models for the Indians was not new. Columbus envisioned such an undertaking, but his retinue which included ex-soldiers, seedy noblemen, adventurers and sometimes convicts did not provide for ideal models. Las Casas on the other hand desired a more careful screening of Spanish settlers for his models. He envisioned a group of men, whom he designated as the Knights of the Golden Spur, to be dedicated to the cause of the Indians. Not only did he intend this to be a religious cause, namely the conversion of the Indians, but he also hoped to make it financially rewarding to the Spanish settlers, the Indians and the crown. At the same time he desired to demonstrate that successful colonization and conversion of the Indians can be had without the use of the *encomienda*. The place he selected for the experiment was the Cumaná area in Venezuela, west of the mouth of the Orinoco River.

Cumaná was a favorite place for pearl fishing

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and a raiding place for Indian slaves by Spaniards from the islands. Their activities caused much chaos in the area and made the Indians very hostile. Las Casas hoped to secure a land grant from the crown in the area and thereby end the raids. More specifically his plan called for the establishment of true Christian towns consisting of approximately forty to fifty settlers each recruited from Spain. The settlers, known as the Knights of the Golden Spur, were to receive tax exemptions and permission to barter for pearls. Out of the revenue from the sale of pearls they were required to give the traditional one-fifth to the crown. At the same time they were given land grants in order to develop agriculture and livestock. With the towns as models of Christian living Las Casas hoped to attract the Indians to a settled way of life and seek their peaceful conversion to Christianity. The Franciscans and Dominicans were in charge of converting the Indians. His idealism led him to believe that within two years he could have 10,000 loyal Indian subjects, who could provide tribute to the crown. The revenue for the crown could then be used for the construction of hospitals in the area, building fortresses to defend the inhabitants of Cumaná and thereby write off the costs involved in initiating the colonization project. To further enhance the profit possibilities of the venture, Las Casas allowed for Spanish ships to trade in the area provided Spaniards did not maltreat the Indians. The scheme shows that the clergyman was not adverse to combining religion and profit and he was willing to compromise in order to

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obtain the necessary royal support. With the aid of friends at court he received official approval of the scheme on May 19, 1520.

The plan carried with it a number of impractical proposals, which the idealist crusader tended to overlook. First the prospect of recruiting Spanish settlers who were expected to undergo hardships and hard work for three years without pay did not make for an easy recruiting task. Secondly, the strong commercial nature of the plan ran counter to the priest's ideals, which placed the welfare of the Indians and their peaceful conversion above profit considerations. Thirdly, the building of fortresses conflicted with aims of peaceful conversion. Finally, permitting Spanish ships to trade in the area was bound to spell trouble for the Indian communities.

Royal approval for the experiment was one thing; implementation was a far different story. He did succeed in recruiting members for his Knights of the Golden Spur, with whom he set sail for the island of Puerto Rico in the middle of December of 1520. On his arrival on the island he received the sad news of an Indian uprising in Cumaná caused by a Spanish slave raid. Complicating matters further Spanish officials were in the process of preparing a punitive expedition to the area, which the pleadings of Las Casas could not prevent. Despite the fact that the crown had granted him legal authority over the area, the crown's enforcement authority was very weak in the New World. Realizing this the clergyman agreed to cooperate in the punitive venture on the condition that he had the right to

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determine which Indians were cannibals and unwilling to accept Christianity and thereby be enslaved as punishment for their rebellion. In a final desperate effort to salvage his plan he tried to regroup his Knights of the Golden Spur for the trip to Venezuela. This proved next to impossible since many had scattered throughout the island. The expedition finally arrived in Cumaná in August of 1521, but Las Casas found few Indians since many had fled to the interior. With few resources and scattered and rebellious Indians the colonization experiment had little chance of success. Furthermore, a number of his recently recruited colonists in Puerto Rico were not as ideally motivated as the ones he had originally recruited in Spain where he was more rigid in his screening process. Finally the continued Spanish slave raids kept the native population in turmoil, which resulted in more Indian uprisings and even the killing of some of the missionaries after Las Casas had returned to the island of Hispaniola to seek an end to the slave raids. When word of the destruction reached Las Casas he realized that his noble experiment had prematurely ended. The tragedy caused him to reflect seriously on the reasons for the failure, which he considered to be the fact that the entire venture rested too much on profit motivation rather than a religious one. The tragedy had another result: it prepared the way for his entry into the Dominican Order.

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LAS CASAS ENTERS THE DOMINICAN ORDER

The priest's entry into the Dominican Order in 1523 initiated a period of retirement that continued until 1531. His reasons for entering the order were greatly influenced by the Dominican Fray Domingo de Botanzos, who pointed out to Las Casas that should he die, the Dominican Order will continue his crusade in the defense of the Indians. During the period of seclusion from 1523-1531 the new Dominican monk continued his mission of defending the Indians by beginning his writing of the *General History of the Indies* and the *Apologetic History*, both of which spoke strongly in defense of the Indians and the dire consequences that will befall the Spanish nation if it does not mend its ways in the treatment of the Indians.

In 1531 the protector of the Indians broke his silence with a long memorial in defense of the Indians. The memorial was a reiteration of his old Cumaná experiment with some significant modifications, such as insisting that the true authority over similar future colonization projects should rest in the hands of bishops, not Spanish officials. He still favored the idea of introducing Negro slaves to save the Indians.

At approximately the same time he issued his memorial, he left Santo Domingo on the island of Hispaniola to go to Cuba on a pacification mission. Enriquillo, an Indian cacique, had led a series of rebellions against the Spanish authorities for injuries that had been inflicted on his people. Las Casas succeeded in halting Enriquillo and his rebel

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THE INDIES AT THE TIME OF BISHOP LAS CASAS

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activities and improving the relations between the Indians and Spaniards.

In 1532 word arrived in Cuba of the conquest of Peru by Francisco Pizarro. While the reports carried stories of unlimited wealth, for Las Casas it was another page in the senseless exploitation of Indians. Immediately he planned to make a trip to Peru to defend the native people against the *conquistadores*. Contrary to the contention of some of the earlier writers on Las Casas, Wagner notes that the trip to Peru in 1535 never materialized. Apparently a shipwreck intervened and the trip terminated in Nicaragua, where he immediately came in conflict with Governor Rodrigo de Contreras, who was heading an expedition against the Indians in the interior of the country. The hostility of the governor was in sharp contrast to the events in Guatemala, where Bishop Francisco de Marroquín in response to the king's plea for the conversion of the Indians was in search of missionaries to carry out the task. The invitation to Las Casas met with ready acceptance since he saw a favorable climate in that both the bishop and the acting governor of Guatemala, Alonso de Maldonado, were willing to back the mission. Thus in 1536 he was once more in a position to carry out a mission that had met a tragic end in Cumaná.

THE GUATEMALAN EXPERIMENT

In the north central part of present day Guatemala is an area known as Baja Vera Paz and Alta Vera Paz, which during the early colonial period was described as the "Land of War" by the

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Spaniards. The inhabitants of the area are descendents of the Mayas who fiercely resisted Spanish penetrations into their territory. It was into this area that Bishop Marroquín was inviting Las Casas and his Dominican co-workers to conduct their pacification and Christianization mission.

In accepting the challenge Las Casas stipulated a number of conditions which he considered indispensible in carrying out the work. First there were to be no *encomiendas* in the area. Secondly he and the Dominicans were to be in complete charge of the project and no Spaniard would be allowed in the area for a period of five years. More specific aspects of the plan called for converted Indian merchants first to go into the area to sell their wares and by means of verses and song to bring the message of Christianity to the Mayas. Hopefully this would stimulate curiosity among the Indians who would want to know more about Christianity and extend an invitation to Las Casas and his fellow religious to enter the territory.

The project was officially initiated in May of 1537. The Indian merchants proved very effective in paving the way for the anticipated invitations to the Dominican missionaries. The real breakthrough came with the conversion of the Mayan cacique, Don Juan, and the settlement of his Indians in the town of Rabinal in present day department of Baja Vera Paz. The initial success prompted Las Casas to bring Don Juan to Guatemala City as evidence of peaceful conversion. Bishop Marroquín, being impressed with the success of the project and seeing an

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opportunity to expand the pacification work, urged Las Casas and some of his co-workers to go to Spain to recruit additional missionaries. The crusader and his companions started their trip to Spain in 1538 first by going to Mexico City to attend a Dominican provincial chapter meeting, where they remained until 1540. It was here that he wrote his treatise entitled *Method of Attracting All People to the True Faith*, wherein he advocated peaceful conversion of the Indians and used his Guatemalan experience as prime evidence. He also condemned the Franciscan practice in Mexico of mass baptism of Indians who were not properly instructed in their new faith. The attack on mass baptisms continued after his arrival in Spain in the summer of 1540. In Spain he had the good fortune of having leading theologians, such as Francisco Vitoria, support him in condemning wholesale baptisms.

The return to Spain placed him in familiar surroundings, where he achieved some of his original successes in defense of Indian rights. Although his intent was to recruit Franciscan and Dominican missionaries for the Guatemalan "Land of War," which he now designated as the "Land of Peace," he quickly realized that the Indian cause was in serious jeopardy. Charles I as Holy Roman Emperor was deeply involved in European affairs and frequently absent from Spain. At the same time the powerful voices of the New World Spaniards were making their influence felt in court circles. For Las Casas the recruiting of missionaries now took second place since the crown needed to be converted to the defense of the

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interests of his Indian subjects. The crusader was again in his familiar role of the champion for the Indian cause before the Spanish throne.

LAS CASAS AND THE NEW LAWS OF 1542

In the role of the defender of the Indians before the crown in 1540 Las Casas enjoyed a number of advantages that he did not have in his previous appearances before the court. Most significantly he had more experience in the dealing with Indians and could point to his initial success in the Guatemalan experiment. His long time opponent, the bishop of Burgos, was dead. Pope Paul III in 1537 had issued his condemnation of Indian slavery and insistence on peaceful conversion of the Indians. Along with Las Casas other voices of protest condemned the Spaniards' maltreatment of the Indians, such as the Franciscan Friar Toribio de Benavente Motolinía in Mexico; the Spanish official Alonso de Zurita in the province of Popayan in the Kingdom of Lima; and Pedro de Cieza de León, a historian who participated in the conquest of Peru. Las Casas could also point to numerous royal decrees denouncing mistreatment of the Indians. But he was quick to point out that the decrees were not adequately enforced in the New World. For the defender of the Indians the crown must adopt more drastic measures if the Indians are to enjoy their full rights as free subjects in the Spanish empire.

The crusade in the defense of the Indians between 1540 to 1542 resulted in a conference with crown officials where Las Casas went into great details on abuses against the Indians. The

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accusations listed dates, places and names of those responsible for the injustices. Among the names listed were such prominent figures as Governor Pedrarias in Panama; Hernán Cortés, first governor of Mexico; Nuño de Guzmán, president of the *audiencia* in Mexico City; Pedro Alvarado, *conquistador* in Guatemala; and Francisco de Montejo, *conquistador* in Yucatán. The oral accusation became the basis for his polemical, *Very Brief Account of the Destruction of the Indies*, published in 1552. The published work did not include the names of those responsible, but it does not require much of an imagination to identify the culprits. The intent of the work was propaganda with the hope of pressuring the king to halt the abuses against the Indians, especially the exploitive *encomienda* system. The by-product, as some historians feel, was the creation of a Black Legend, which became a convenient tool in the hands of Spain's rival powers to condemn Spanish atrocities in the New World and justify their own colonial ventures, especially in areas already claimed by Spain. Las Casas, had he been aware of the Black Legend, would probably have answered that his humanitarian concern for the Indians comes first, regardless of what the enemies of Spain may do with his writings.

It was obvious to the enemies of Las Casas that his admonitions regarding the rights of the Indians were incorporated into the new laws of 1542. The laws called for the prohibition of all Indian slavery and if a slave holder still claimed the right to hold Indian slaves, he must produce a legitimate title. No longer were Indians to be used

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as burden carriers or do pearl fishing against their will. The most radical provision of the laws concerned the gradual termination of the *encomiendas*, which required the Indians to work for the Spaniards. All Spaniards who had no legitimate titles to *encomiendas*, such as political and ecclesiastical officials, were to lose their *encomienda* holdings immediately. Furthermore no new *encomienda* would be granted and all existing ones were to be returned to the crown on the death of the present holder. Finally all surviving Indians in Hispaniola, Cuba and Puerto Rico were exempt from all tribute and royal and personal services so that they could rest and multiply.

Las Casas was too impatient and idealistic to see the New Laws as the ultimate triumph. Previous experience had shown that the best intentions of the crown could easily come to nought when it came to implementation in the New World. Added to this misgiving was the fact that the New Laws themselves did not meet all the expectations of the crusader. First of all they still permitted the temporary existence of certain *encomiendas*. Neither did the laws end conquests, which Las Casas wanted replaced by the use of his community scheme that would employ Spanish laborers as colonizers. For instance, he opposed the conquest expedition in 1540 of Coronado into the present day United States Southwest. At the same time Antonio de Mendoza, viceroy of New Spain, waged the Mixton War against the rebellious Indians in New Galicia of western Mexico. Las Casas condemned the cruelties of the

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Spaniards and enslavement of the Indians in this war. Apparently he already had sufficient reports of these two events to use in his oral arguments before crown officials. The king obviously was not willing to move in such radical directions. After all to deprive Spanish settlers of their property would mean the loss of royal revenue and subjects, who in final analysis were essential in retaining the overseas territories. Despite the shortcomings in meeting the clergyman's expectations, the protector of the Indians could still claim a victory — in fact a victory that surpassed previous actions of the crown in behalf of the Indians. The true meaning of the victory still had to undergo the test of enforcement and Las Casas was not one to remain in Spain and hope that the crown's overseas officials would carry out the full intent of the New Laws of 1542.

LAS CASAS BECOMES BISHOP OF CHIAPAS

Cardinal García de Loaysa, who had occupied the bishopric of Seville and served in the Council of the Indies, with the approval of members of the council nominated Las Casas as bishop of the prosperous diocese of Cuzco in Peru. The Dominican friar argued against the nomination, claiming that he desired no reward for his work in defense of the Indians. The nomination was withdrawn but only to be replaced with another one to the recently created and poor diocese of Chiapas, which was located directly north of the Land of True Peace and part of the Kingdom of Guatemala. Today the area roughly forms the Mexican state of Chiapas. After much urging from

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his Dominican co-workers that as a bishop he could be more effective in his defense of the Indians, he agreed to have his nomination submitted to the pope for approval. There is some speculation that the nomination was offered to him with the hope that he would be tied to a diocese and therefore no longer a thorn in the side of the Spaniards, who wanted a freer hand in dealing with the Indian problems. If such was the intent, Las Casas quickly proved his adversaries wrong. No sooner was he consecrated bishop in Seville on March 30, 1544 at the age of seventy when he immediately set out to make plans for the peaceful conversion of the Indians in Chiapas. He insisted that all Indians must be directly under the crown, thus removing the possibility of the use of the *encomienda*. Furthermore all Indians were exempt from royal tribute for a period of four years. His concern was not only for the Indians in his diocese but also for some Indians in Spain who were still being held as slaves. In his *Treatise About the Indians Who Have Been Made Slaves*, written at this time and published in 1552, he insisted that all enslaved Indians must be set free, even if they were obtained from other Indians as slaves. In the defense of Indian rights Las Casas was not adverse to the aid of secular powers as long as he was in control.

The new bishop began his return trip to his diocesan seat of Cuidad Real in Chiapas in July of 1544. News of the New Laws had already preceded him and since the Spanish colonials saw his hand in the ordinances, his arrival in Santo Domingo, Hispaniola, was anything but welcome. The

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colonials denounced him as being ignorant of the New World problems, self-seeking and intent upon their destruction. Spanish settlers in Nicaragua claimed *encomiendas* as rewards for their services to the crown, but their rewards, they complained, could no longer be passed on to their heirs, who consequently would be left in poverty. From Mexico came word that the Viceroy Antonio de Mendoza moderated the enforcement of the laws by suspending the provisions on the inheritance of *encomiendas*. The viceroy feared an exodus of Spanish settlers if the laws were immediately applied with full vigor. The reports from Peru were the same where a civil war resulted from the attempted enforcement of the laws. The scorn against the new bishop was so great that when he arrived in Merida, Yucatán, which was part of his diocese, the Spanish authorities refused to recognize him as their bishop. The situation was also tense in the town of Chiapa where he arrived in March of 1545. Here the *encomenderos* and slaveholders faced serious losses with the enforcement of the laws, especially since the area was notorious for the enslavement of Indians.

In light of the explosive situation Las Casas decided to be tactful in assuming his episcopal duties in Ciudad Real in Chiapas. Rather than give his customary fiery sermons, he counseled the Spaniards in private conversations concerning their violation of the New Laws. The situation become more precarious when he discovered that three of the five priests he had in his diocese were leading scandalous lives and involved in activities condemned by the New Laws. It was a case of

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reforming clergymen before reforming laymen. The tactful approach ended abruptly when the Indians, who saw the bishop as their protector, came to him to report their woes. At Easter time in 1545 he ordered all his priests to refuse the administration of the sacraments to all Spaniards not in compliance with the New Laws. Some of the Mercedarian missionaries objected to the harsh conduct of the bishop, who replied with a decree of excommunication against the Mercedarian superior. The Spaniards tried to force Las Casas to retreat by witholding financial support. The controversy climaxed with a riot during Holy Week, which threatened the prelate's life. The seriousness of the situation caused him temporarily to leave Ciudad Real and take up his residence in the nearby town of Chiapa, where he was favorably received.

Shortly after these tense moments Las Casas in 1545 decided to visit the neighboring Land of True Peace to review the project he had initiated a few years earlier. He discovered pressure from the Spaniards, who sought to establish *encomiendas* and enslave Indians in the area. Las Casas had already obtained assurances from the crown that no *encomiendas* were to be granted in the area and the Indians were not to be enslaved.

A much more serious problem was the heavy tribute placed on the Indians, which was causing much unrest. He immediately appealed to the *audiencia* in Guatemala City, which had jurisdiction over the Land of True Peace, to remove the tribute. He also sought the support of the Central American bishops to support him in

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his appeal. The demands he presented to the *audiencia* were extensive and included the following: reduction of tribute imposed by the *audiencia*, construction of cart roads to eliminate the use of Indian burden carriers, removal of all *encomenderos* from the area, end of all slave raids, prohibition of Spaniards to remain in the area more than eight days in any given year, free exercise of ecclesiastical jurisdiction in the area and the aid of *audiencia* in punishing churchmen and laymen who dishonored his episcopal dignity. One might think that the demands provided sufficient food for thought for the members of the *audiencia*, but Las Casas was too much of an all out crusader to stop with demands. He fired one last salvo by insisting that non-compliance with his demands would result in excommunication for all members of the *audiencia*. The immediate reaction of the *audiencia* was one of evasion. They promised to relieve the heavy tribute and look into the matter of abuses against the Indians but they denied his right to excommunicate them. Bishop Marroquín of Guatemala and Maldonado, president of the *audiencia*, wrote letters to the crown protesting the conduct of the bishop of Chiapas. Bishop Marroquín's hostile behavior regarding Las Casas may have been due to the fact that he was not favorable to the new bishop's demand for ecclesiastical jurisdiction over the Land of True Peace which belonged to the diocese of Guatemala.

With the support of the Dominican Bishop Antonio de Valdivieso of Nicaragua, his friend, Las Casas immediately wrote a letter to Prince Philip, the regent of Spain. He informed the young

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ruler of Maldonado's marriage to the daughter of Francisco de Montejo of Yucatán and that both had *encomienda* interests at stake, which was in violation of the law. Furthermore, both were engaged in the Indian slave trade. Vindication of Las Casas' accusations arrived in 1547 with the removal of Maldonado from his post by the Council of the Indies. The same council also freed the enslaved Indians of both men.

The action was too late to help Las Casas and Bishop Valdivieso in their struggle with the *audiencia* in 1545. The unrest in Ciudad Real did not subside during the prelate's absence. His return in late 1545 nearly resulted in another riot over his refusal to remove the threats of excommunication against the Spaniards. The accusations of the Spanish officials in Ciudad Real took a more ominous turn when they confronted their new bishop with the charge that he had failed to present his credentials when he took over the episcopal duties in the diocese and failed to seek the approval of the crown in refusing the sacrament of absolution to the Spaniards. The officials insisted that if the bishop continued in his way, they would refuse to recognize his episcopal authority and also payment of Church tithes. Their final threat was to use force in preventing his return. Las Casas managed to enter the city unnoticed, perhaps due to the fact that there was considerable turmoil from an earthquake that had just taken place. Word of his presence in the city must have been felt more than the earthquake that had just taken place. The Spanish officialdom realized that they would have to deal with him, like

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it or not. They decided on a more conciliatory course of action by giving the appearance that they were being converted to the bishop's views. The continued enslavement and terrorizing of Indians in the area proved the insincerity of their conversion. The bishop reacted to the conciliatory appearance by permitting the Mercedarian priests, who were more favorable to the Spaniards' views, to grant absolutions where they felt necessary amends had been made.

The experiences of the bishop in Ciudad Real and Guatemala caused him to re-examine the effectiveness of his mission in defense of Indians. It was obvious that the New Laws were far from achieving their ends and for the protector of the Indians that could mean only one course of action — a return to Spain to fight for his beloved Indians.

LAS CASAS LEAVES AMERICA FOR THE LAST TIME

It seemed as though hostility awaited him wherever he went, except among the Indians who recognized him as their friend and protector. His arrival in Mexico in early 1546 to attend an episcopal conference on his return to Spain was no exception. Here the *encomenderos* had sent numerous protests to the crown demanding a repeal of the New Laws which they viewed as economic disaster. The protests from Mexico received support from those of Peru, where a threatening civil war over the enforcement of the New Laws caused Charles I to fear the loss of that territory. The king on November 20, 1545, did not

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revoke all the New Laws, but he did abrogate those provisions that caused most of the discontent — namely the provisions that permitted no inheritance of *encomiendas* upon the death of the present holders. The crown refused to remove the provisions prohibiting the enslavement of the Indians. Although the New Laws did succeed in reducing the number of *encomiendas*, the removal of the inheritance provisions came as a severe blow to the bishop of Chiapas.

The hostile reception of Las Casas in Mexico City must have reminded him of his earlier reception in Yucatán and Chiapas. So hostile was the climate that both the viceroy, Antonio de Mendoza, and the King's visitor general, Francisco Tello de Sandoval, urged the prelate not to enter the city until they had calmed the discontented Spaniards. The bishop did not help his cause when he issued a decree of excommunication against the viceroy and some Spanish officials, whom he claimed had severely punished a clergyman who was fighting for the rights of the Indians. In spite of the unfavorable climate Las Casas did enter the city and received an arousing reception from the Indians. After all it would have been most difficult to keep the crusading bishop away from the meeting of Mexican and Central American bishops which was called at the urging of the crown to discuss the conversion of the Indians and problems arising from the passage of the New Laws.

The main item on the agenda was the printing of a catechism for the instruction of the Indians. Apparently the bishops also discussed the *Confesionario*, in which Las Casas laid down rules

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on not granting sacramental absolution to those guilty of violating the New Laws. He insisted that a penitent must make restitution of all property taken from Indians before absolution may be granted. The same, he advocated, held true for those guilty of holding enslaved Indians. Las Casas started with the basic assumption that the conquest and the resulting exploitation of the Indians was unjust and therefore no Spaniard could claim any right to the Indian or his property.

The synod concluded its discussions with the following recommendations: (1) all infidels enjoy full natural rights, (2) missionaries at all times must seek peaceful conversion of Indians, (3) the pope can grant the right to preach the Gospel to the Indians but he enjoys no temporal jurisdiction over them, (4) Pope Alexander VI in 1493 did not intend to deprive the Indians of the right to rule themselves and (5) the king has the obligation to provide for Christianization of the Indians. After the synod of bishops another meeting took place in the convent of Santo Domingo, out of which came the declaration calling for the freedom of all enslaved Indians. Unfortunately the recommendations and declaration lacked the weight of enforcement.

At the conclusion of the meetings Las Casas named Canon Juan Perera as the vicar-general to administer the diocese of Chiapas during his absence. The good bishop must have realized that being in the seventies his time in the New World was drawing to a close. During early 1547 the prelate made preparations for his final departure from the New World. It was at least the

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completion of his fourth round trip to the New World, if not the fifth. Some writers believe that he made another trip that is not clearly recorded in his writings. His many travels are truly an amazing feat for a man of his advanced age and who never once in his writings recorded having suffered ill health. He was not entering retirement but entering the climax of his career. He arrived in his native land when the king was calling a halt to all New World conquests and ordering a debate on the Indian question by the leading scholars of the day. Las Casas was not aware of this momentous event when he left Veracruz, Mexico, in 1547 but again he was going to be at the right place at the right time.

DEBATE AT VALLADOLID

Immediately upon his arrival he obtained an audience with Prince Philip, who was ruling in the absence of his father, Charles I. He reported to the prince on the good work the Dominicans were doing among the Indians. It was during the audience that Las Casas requested that the Land of War in Guatemala be now officially designated the Land of True Peace in recognition of the successful work done by the Dominicans in the area.

Not too surprising he announced his resignation as bishop of Chiapas — a resignation that he probably had in mind prior to his departure from Mexico. The resignation became official in 1550.

The tempest that Las Casas raised in Mexico with the publication of his *Confesionario* followed him to the mother country. The work raised a

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number of embarrassing questions. First of all it questioned the justice of the entire conquest. According to the bishop, Alexander VI in 1493 granted to the Spanish rulers only the right of converting the Indians. The pope did not grant political jurisdiction to the Spanish monarchs over the Indians and the only legitimate political authority that Spain can exercise over the Indians is in those cases where the Indians have willingly accepted Spanish authority. The second point of contention was Las Casas' admonition that sacramental absolution not be given to Spanish settlers who enslaved or oppressed the Indians. His enemies at the court utilized these doctrines as convenient tools in questioning his loyalty to the crown.

The prelate defended his position before the Council of the Indies by submitting his *Thirty Propositions*. He defended papal authority over all men but noted that the authority over pagans was different than the pope's authority over Christians. The pope has the obligation to see that the Gospel is preached to all men and select missionaries to carry out the task. Furthermore the pope can seek the aid of secular authorities, especially financial support, in the Christianization of pagan peoples and therefore can assign to individual Christian political rulers areas for effecting Christian conversions, but never in the sense of increasing the territorial domain of an empire. Las Casas granted that Christian rulers may derive profits from these ventures, but this must always be subordinate to the goal of conversion.

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He entered more dangerous grounds in his *Thirty Propositions* when he treated the matter of political jurisdiction over the Indians. He insisted that Indian rulers enjoy sovereignty over their areas, even though they may practice idolatry and live in sin. For Las Casas, man enjoys basic natural rights of sovereignty regardless of his state of life or religious profession. The implications of this position jeopardized the claims of Spain to the New World and may well be that for this reason Las Casas appeared to retreat in some of the later propositions. For instance, he noted that the New World was discovered under the pontificate of Alexander VI who designated certain Christian princes to promote the propagation of the Faith. Since Ferdinand and Isabella had supported Columbus and since they had crusaded against the Moslems in Spain, they could lay special claim to the privilege of furthering and protecting the Christian mission in the New World. The pope retained the authority to revoke the privilege for just reason or to transfer it to another ruler if he felt that it will further the cause of Christianity. Once the native rulers voluntarily accept Christianity, they become bound as Christians to acknowledge Spanish sovereignty. In spite of this concession Las Casas warned Christian monarchs not to imitate the Moslems and the Turks, who spread their beliefs by the sword. He found it only natural that the Indians should defend their lands from invasion and thereby resist Christianization efforts. He pointed to the fact that the Spanish monarchs have from the very beginning opposed wars of

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conquest and acts of cruelty. Rather it was the duty of the sovereigns of Spain to retain all good Indian laws and customs and seek the abolition of the bad ones only through persuasion and the preaching of the Gospel. This obviously had not always been the case since, as Las Casas remarked, the devil himself could not have surpassed the harm that many Spaniards inflicted on the Indians. Here he specifically cited the enslavement of the Indians and the use of forced labor under the *repartimiento* and *encomienda*, which he argued was contrary to the royal commands of Queen Isabella. He attempted to calm his sovereign's conscience by observing that the king was left in ignorance of the true condition of the Indians following the conquest. Furthermore the long absences of the monarch from Spain made it even more difficult to become truly informed about the Indian situation.

The bishop concluded the proposition by stating that all conquests, acquisitions of territory, invasions and usurpations, whether by crown officials or by colonists are illegal. Much of Las Casas' thinking in the propositions was representative of medieval political doctrines, especially the pope's prerogative in designating lands for Christianization and concluding that newly Christianized people must acknowledge the sovereignty of Christian rulers. The protector of the Indians saw little problem here since peacefully converted Indians would lead to voluntary recognition of Spanish sovereignty. Undoubtedly he felt that the Guatemalan experiment offered ample proof. He did raise the question of natural

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rights and legitimacy of the conquest, points that he aired in the debate at Valladolid. At the same time he protected himself from the charge of disloyalty by noting that the king was ignorant of the events in the New World. Nonetheless the implications of his statements were obvious to the crown, since the colonial officials were representatives of the crown charged with carrying out royal policies.

Las Casas had encountered many powerful opponents in his struggle for Indian rights, but in the late 1540's he met his most formidable antagonist in the person of Juan Ginés de Sepúlveda. Las Casas could not match the impressive academic credentials of Sepúlveda, who was an eminent authority on Aristotle. On the eve of his clash with Las Casas, Sepúlveda had just completed the translation of Aristotle's *Politics*, which he considered his principal contribution to knowledge. Shortly after the publication of the translation, he wrote the *Democrates alter, sive de justis belli courier apud Indos*, wherein he utilized the Aristotelian concept of natural order in the universe showing that certain human beings are culturally and intellectually inferior. Thus for the Aristotelian scholar some men were the natural servants for superior men. The natural order argument fully justified a war of conquest.

Las Casas saw the doctrine as pernicious and through his influence in the Council of the Indies he was able to prohibit the publication of the work. In crossing swords with Sepúlveda, the crusader for the Indians no longer enjoyed the presence of

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his powerful ally, Francisco de Vitoria, who had passed away in 1546. Vitoria, considered by many scholars as one of the founders of modern international law, was one of the leading theologians and professors at the University of Salamanca, where the question of the rights of the Indians had caused frequent and acrimonious debates. In the developing conflict, Las Casas enjoyed a significant advantage over his opponent in that due to his travels in the New World he could speak from first hand experience. Sepúlveda was a scholar who had not left his ivory tower and thus was in a weak position to refute Las Casas when the debate centered on the capabilities of the Indians. Furthermore, Las Casas bowed to no one when it came to firebrand oratory in the public forum.

Las Casas' initial victory came with a directive from the Council of the Indies on July 3, 1549, urging that no new licenses for conquest be authorized without the expressed approval of the crown. The council directed that a meeting of theologians and jurists be called to discuss how conquests may be conducted justly and with security of conscience. Charles I approved the council's action on April 16, 1550, by ordering a suspension of all conquests until theologians and jurists could determine the just method for conducting them. The king's and council's intentions in calling for the discussion are not completely clear. Obviously it was not to decide whether Spain should give up her conquered lands in the New World. Apparently the purpose was to clear the air over the accusations that Las Casas

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frequently made concerning the behavior of the Spanish colonizers and royal officials in the conquered territories. Since these were the crown's subjects and some his appointed representatives, the king was ultimately responsible for their behavior. The royal suspension of the conquest and the calling for a meeting to discuss the Indian question is indicative of the king's wrestling with his Christian conscience. Equally significant is the fact that the action of the Council of the Indies and the crown showed the influential role the bishop played in behalf of the Indian cause. Infrequent are the cases in history where a very powerful ruler has ordered his conquests to cease until it could be determined whether they were just.

The confrontation between Sepúlveda and Las Casas took place in Valladolid in mid-August of 1550 and has become commonly known as the Debate of Valladolid. The debaters argued their respective positions before a Council of Fourteen composed of theologians, jurists and royal officials. The council or jury was charged with the task of weighing the merits of the case and rendering a decision to the crown on the question: Is it lawful for the king of Spain to wage war on the Indians prior to preaching the faith to them and thereby subjugate them so as to convert them more easily? In the initial days of the Valladolid session Sepúlveda and the bishop orally presented their positions. Sepúlveda in three hours gave a resumé of his *Democrates alter*, which was followed by Las Casas' presentation of a monumental treatise, which he read word for word. Sepúlveda claimed that Las Casas would have

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gone on longer had he not exhausted the patience of the members charged with listening to him. According to the Aristotelian scholar the conquest was justified because of the depraved condition of the Indians who were living in idolatry and committing sins against nature. Furthermore he viewed the Indians as naturally rude or barbarian and inferior to the culturally advanced Spaniard. Here he was merely mouthing the Aristotelian position of the natural order in the universe, whereby it was in accordance with universal order to have the wise rule the unwise. Sepúlveda had no doubts that the Spaniard was wise and the Indian was unwise. As further proof for the superiority of the Spaniard he pointed to the fact that the Indians were no match in arms for the Spanish conquistadores. Not being in a position of speaking from firsthand experience, he relied heavily on anti-Indian writers such as Gonzalo Fernández de Oviedo, who had written extensively on the Inca Indians. He also argued that the papal donation of Alexander VI granted Spain the right to conquer and Christianize the Indians. The uncritical acceptance of anti-Indian sources makes it easy to comprehend the conclusions of Sepúlveda; namely, that the faith can be spread more easily if the Indians are conquered first. He added further justification for the conquest by noting that the Spaniards must protect the weaker Indians who can easily become victims for human sacrifice and cannibalism of more powerful Indians. The reasoning of the Salamanca professor has frequently struck a responsive chord among European and American writers and

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leaders who see in western civilization a manifest destiny — namely a divine call to bring the superior western civilization to what is believed to be the less culturally developed non-western people.

Next came the turn of "this quarrelsome and turbulent fellow," as Sepúlveda described him. The venerable bishop of Chiapas could find no evidence of God's commanding war against idolators, even though the Old Testament justified war against certain enemies of the Jewish people. He denied the assertion of Sepúlveda that the Indians were barbarians by providing his opponent with extensive details of the advanced Indian cultures as he had seen and related in his *Apologetic History*. He minced no words in accusing his adversary of being ignorant of Indian cultures. From his experiences he concluded that in some respects the Indians were more culturally advanced than the Greeks, Romans or Spaniards and that being the case Las Casas could and did use the Aristotelian natural order proposition to show that the Indians should be the natural rulers of the Spaniards. His work among the Guatemalan Indians in the Land of War was for him ample evidence that Indians will peacefully receive Christianity and voluntarily accept Spanish sovereignty. He did not deny the existence of human sacrifice and cannibalism among the Indians, but this he found rare and less evil than the indiscriminate slaughter that accompanied the conquest of the Indians. Human sacrifice did not appall the bishop as it did many of his contemporaries, since for him it was an

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expression of the deep religiosity of the Indians. In his utopian view of the Indians, especially when he referred to them as "gentle lambs," he was guilty of an uncritical analysis just like his opponent's unquestioningly accepting anti-Indian written accounts. Sepúlveda's contention that the Spaniards had proved their superiority by force of arms proved nothing for Las Casas except that the Spanish king must then be characterized as a tyrant.

Although the main focus of the debate centered on whether the current methods of carrying on conquests in America were just or unjust, the legitimacy of Spanish claims based upon conquests were bound to be raised. Sepúlveda was well aware of Las Casas' earlier statement prior to 1550 whereby he questioned Spain's right to the New World based on conquest. This left the bishop open to the accusation of disloyalty. The protector of the Indians, as noted earlier, was a firm believer in the natural rights of man which he considered inalienable. This he summed up well in his classic remark during the debate that "all peoples are men." At the same time he insisted that Spain had the right to bring the faith to the New World, a right that was recognized in the papal decree of 1493. He further justified the crown's right to rule the converted Indians who voluntarily accepted Spanish sovereignty. His utopian view of the Indians might well lead him to believe that the Indians will accept Christianity if it is done through peaceful missionaries and thereby become voluntary vassals of the crown. Apparently influenced by the thinking of Vitoria,

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he granted Spain's right to protect the Indians from potential European rivals such as France or England. In 1550 this was more speculation than reality since these rivals did not become a real threat until late in the 16th century and during the 17th century. Las Casas had defended his loyalty. It was now up to the Council of Fourteen to study the mass of material presented by the two antagonists.

In order to provide adequate time for deliberation the first Valladolid session adjourned and the council did not reconvene until January 20, 1551. Apparently exhausted and confused by the mass and fury of the debate the judges continued their deliberations until the middle of 1551. One of the most significant debates in world history had ended but the jury was unable to reach a verdict. During the subsequent year the Council of the Indies made several efforts to have the judges render their opinions but to no avail.

The key figures in the debate offered their verdicts. Both claimed victory. Judging subsequent Spanish colonial history one might be inclined to favor Las Casas with the verdict, especially if one reads Phillip II's decree of 1573 which called for peaceful conversion of the Indians by offering the natives the advantages of Spanish citizenship, which include the administration of true justice, peaceful living, no human sacrifices, protection of the king, construction of roads and the enjoyment of Spanish goods such as food and cattle. The intent here certainly was in line with Las Casas' position at Valladolid, but the implementation of the intent in the New World

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was another matter. Conquests still continued and Spaniards still exploited the Indians and the position of Sepúlveda could well be used to justify their conduct. Perhaps the real reason why the judges did not reach a verdict is that they were seeking a solution to an age old problem — namely the guarantee of basic human rights to all peoples. If this be so, we must not be harsh on the judges, since our own age still is seeking the answer to the question that confronted the men at Valladolid.

LAS CASAS RETIRES

Upon his resignation as bishop of Chiapas in the summer of 1550, Las Casas took up his residence in the Dominican College of San Gregorio at Valladolid. At the age of seventy-six he was not about to retire as his activities during the closing years of his life indicate. He continued to hold the title of procurator-at-large for the Central American mission, in which capacity he recruited missionaries throughout Spain for Central America.

His residence at the college provided him with library resources and an atmosphere in which he could continue his writing that he had interrupted frequently because of his busy schedule. His writings during his late years in life show him still to be the protector and crusader for the Indians. In his tract entitled *The Liberty of the Enslaved Indians* directed to the Council of the Indies he discussed the false premise for the enslavement of Indians and the obligations of the crown and American bishops towards the Indians. Many of

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his ideas in the tract predate accepted principles of present day international law. For instance, wars of conquest give no right to enslave a conquered people and all prisoners taken during the war must be freed upon termination of hostilities. Unjust wars confer no special rights and war may be undertaken only with the approval of a legitimate authority and justifiable provocation. Such he claimed was not the case with the wars waged by Governor Velásquez in Cuba and Cortés in Mexico, who had no legitimate authorization for waging the war. Both men presented the king an accomplished fact for approval. He went on to condemn royal officials who failed to carry out the good intention of the royal decrees issued to protect the rights of the Indians. His admonitions to the secular and religious authorities were based on Biblical exhortations. Regarding obligations of the bishops he felt that one of their primary duties was to inform the crown on the sufferings of the Indians — a duty that the bishop of Chiapas had so conscientiously fulfilled.

During the period of "retirement" he completed his monumental *History of the Indies* around 1561 which in all probability he had started as early as 1527 and the *Apologetic History* which is an offshoot of the *History of the Indies*. The stated reasons for writing the *History of the Indies* include the honor and glory of God, spiritual and temporal welfare of all people in the New World, showing the crown the harm done by his subjects in the New World, teaching the Spaniards that the Indians are human beings with good and bad customs and generally reporting all the things that

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have happened in the New World since the discovery. The occasion that may well have sparked the author's *History of the Indies* was the publication of Oviedo's *General and Natural History of the Indies* in 1535, in which the latter described the Indians as barbarians. As Las Casas feared, it provided ample ammunition for the colonial Spaniards to justify their conduct of conquest and exploitation of native peoples.

Scholars still view Las Casas' work as one of the best sources of the early history of the Indies. Lewis Hanke, a Las Casas scholar, found it in keeping with good historical canons. This does not imply that the defender of the Indians mellowed as a polemical writer. The work makes it more than obvious that the good bishop still had an ax to grind when he denounced Spanish cruelties and exploitation towards the Indians and warned dire days will befall the Spanish people if they do not mend their ways. Ramón Iglesia, a present day Spanish historian, remarked that true history is polemical, and a historian who desires to get as close as possible to events writes history to prove something. If 20th century historians can accept this historical canon, then we must conclude that Las Casas has few peers. The competence of the bishop as a historian is frequently overlooked by those who know the man only through the exaggerated accounts of Spanish cruelties against the Indians in his *Destruction of the Indies*. Needless to say, the protector of the Indians had written this more from the heart than the mind.

His *Apologetic History*, completed approximately at the same time as the *History of*

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the Indies, is an encyclopedia on Indian life. He presented proof that the Indian capacity to attain a high cultural level equaled that of the ancient Greeks and Romans and condemned Spaniards like Sepúlveda who preached the inferiority of the Indians. In comparison with Europeans of the 1500's Las Casas found the Indians frequently surpassing them in good customs. Disregarding romanticized notions of the good Indian, the *Apologetic History* provides the historian with valuable insights into Indian life.

Although at an advanced age Las Casas did not confine his activities to writing in his cell at the College of San Gregorio. Missionaries in the New World knew that they had a powerful ally in Spain to whom they could report the sufferings of the Indians and thereby bring the matter before the crown. Spain was under a new king, Philip II, who took over the reins of government upon the abdication of Charles I in 1556. The protector of the Indians was no stranger to the new king, with whom he had close contacts when the young king served as regent during the frequent absences of Charles I from Spain. He strengthened his influence at the court through Fray Bartolomé Carranza de Miranda, the confessor to the king, and moved his residence from Valladolid to Madrid where the king had set up his court. Las Casas did not hesitate to use his powerful voice when he received word that Spanish colonials in Peru sought the perpetuation of the *encomienda* system and offered the crown promises of wealth for the royal treasury if their wishes are heeded. The offer was most tempting to the Spanish king who

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traditionally had financial problems. The crusader through Carranza warned of the exploitation that was bound to follow such a concession and that the perpetuation of the *encomienda* would mean greater hostility among the Indian population and therefore present serious obstacles to their conversion. Philip followed the advice of the old bishop and demonstrated his appreciation for the services rendered by offering him financial support for his lodging and pension. Obviously the Peruvian Indians in this case fared well with such a powerful attorney at the court. Another example of his effective influence was his close association with Judge Alonso de Zorita, who was drafting a plan for the conversion of the Indians in Northern Mexico (the present United States Southwest) patterned after the conversion plan of Las Casas in the Guatemalan Land of War. The plan received the approval of the Council of the Indies in 1562 but unfortunately the king's demand that Zorita bear the full financial burden of carrying out the plan proved impractical.

Nearing the age of ninety he continued writing on two new tracts entitled *On the Treasures of Peru* and *Tract of Twelve Doubts* which reiterated many of his previous admonitions. It was his final effort to circulate guidelines for reforms in the Indies. He condemned the unjust conquest wars and urged peaceful conversion of the Indians. Again he denounced the *encomienda* system and insisted that the sovereignty of Spain in the New World must rest on the voluntary acceptance of it by the Indians. He advocated that the Peruvian Incas be given a special place to live and be ruled

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by their Inca rulers, who would acknowledge the Spanish king as an overlord and pay tribute. He recognized that his doctrine of restitution was unacceptable to the crown since carried out to its logical conclusion it meant that not only were the New World Spaniards obliged to restore property taken from the Indians but the same held true for the crown. If the crown cannot make restitution of wealth taken from the Indians, then the crown in conscience is bound to subsidize missionary activities among the Indians without charge.

The tracts in defense of Peruvian Indians were dated 1562, when Las Casas was eighty-eight years of age. At a slower pace he continued to defend his Indians right up to his death on July 31, 1566. Even in his last will and testament he did not permit the subject to rest in peace. His final admonition to his nation called for her to change her ways unless she had no fear of being visited by the wrath of God. The fiery crusader was still speaking after his death.

CONCLUSION

Las Casas like many of his countrymen arrived in the West Indies in search of wealth and adventure. He showed more humanitarian concern for his Indian workers than the usual run of Spanish settlers. The preachings and influence of his Dominican friends converted these humanitarian concerns into a crusading zeal in defense of the Indians, but this was a gradual conversion. In his early Indian community schemes he frequently thought in terms of revenue it could bring to the crown and the Spanish

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colonizers. The failure of the Venezuelan venture he saw as punishment from God for his materialistic concerns.

Las Casas never was a missionary among Indians. He started projects like the one in the Land of War in Guatemala, but the execution of the experiment became the task of his Dominican colleagues. Wagner, in his biography on Las Casas, questioned whether the crusader had ever learned any Indian tongue adequately to work among them. Furthermore many of his New World ventures were failures, mainly due to his own unrealistic aspirations and the lack of cooperation or downright hostility of Spanish officials and settlers. The Venezuela fiasco was a case in point as was his brief tenure of the bishopric in Chiapas during the turmoil created by the decree of the New Laws of 1542. Rather his true importance lay in his role as the protector of the Indians before the royal court as was the case in the decree of the New Laws and the debate of Valladolid. He was at his best in his campaign for the peaceful conversion of the Indians and seeking the abolition of the *encomienda* and Indian slavery. Unfortunately his condemnation of Indian slavery did not include Negro slavery but this omission he regretted later in his life. Late in his career he hit hard on the theme of restoration of Indian property but he was not always clear how this difficult task could be accomplished.

The effectiveness of his reforms can be judged by the number and power of his enemies. Convinced that he was out to dispossess them, his enemies saw in their antagonist a proud and unbending personality. Las Casas tended to

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confirm this impression with his sharp tongue, biting wit and manner in which he persisted to be personally in charge of his reforms. The substantial victories that the crusader achieved in Spain became less so when it came to enforcement of royal decrees in the New World. Frequently the king himself was fearful of the loss of Spanish loyalty and revenue if he would surrender completely to the demands of the bishop. On the other hand Las Casas was quick to remind the king that the unbridled activities of the Spanish subjects in the New World was also a threat to royal authority. Las Casas knew well how to play on the weakness of the court and his skill here helps us to understand his successful role as a champion for the Indians. As a utopian reformer he could never realize the complete fulfillment of all of his demands but this does not detract from his success in seeing his reforms partially fulfilled.

His principle that "all peoples are men" probably did much to moderate Spain's relations with her new Indian subjects. One can only speculate as to the degree of responsibility that should be accorded to the fighting bishop for the preservation of the Indian heritage throughout Latin America and in our own Southwest, where the Mexican American is the beneficiary of this legacy. Not only the Mexican American but all peoples in the western hemisphere owe Las Casas an eternal debt for when all is said and done his lifetime struggle was for the rights and dignity of all men. Civil rights leaders in the United States and the United Nations with its Universal Declaration of Human Rights can profit greatly by the model of Padre Bartolomé de Las Casas, the protector of the Indians.

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